

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re TREMONT SECURITIES LAW, STATE)	
LAW AND INSURANCE LITIGATION)	Master Docket No. 1:08-11117 (TPG)
)	
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CUMMINS INC., as the authorized)	
representative of the Cummins Inc. Grantor)	
Trust dated September 10, 2007, as amended,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:10-9252 (TPG)
)	
NEW YORK LIFE INSURANCE)	
COMPANY, NEW YORK LIFE)	
INSURANCE AND)	ECF CASE
ANNUITY CORPORATION, TREMONT)	
CAPITAL MANAGEMENT, INC., RYE)	
INVESTMENT MANAGEMENT,)	
MASSMUTUAL HOLDING LLC,)	JURY TRIAL DEMANDED
MASSACHUSETTS MUTUAL LIFE)	
INSURANCE CO., OPPENHEIMER)	
ACQUISITION CORP., RYE)	
SELECT BROAD MARKET PRIME)	
FUND L.P., RYE SELECT BROAD)	
MARKET XL FUND L.P., RYE SELECT)	
BROAD MARKET INSURANCE)	
PORTFOLIO, LDC, TREMONT)	
OPPORTUNITY FUND III, L.P., TREMONT)	
(BERMUDA) LTD., TREMONT GROUP)	
HOLDINGS, INC., and TREMONT)	
PARTNERS, INC.,)	
)	
Defendants.)	

**NOTICE OF MOTION FOR LEAVE TO FILE SECOND
AMENDED COMPLAINT *INSTANTER***

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Sara Siegall dated April 13, 2012, the Exhibit thereto, and all prior papers and proceedings herein, Plaintiff Cummins, Inc., as the authorized representative of the Cummins, Inc. Grantor Trust dated September 10, 2007, as amended, will move this Court before the Honorable Judge Thomas P. Griesa, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York New York 10007, for an Order granting leave to file a Second Amended Complaint, *instante*, pursuant to Federal Rule of Civil Procedure 15(a)(2).

Dated: April 13, 2012

Respectfully submitted,

Plaintiff Cummins Inc., as the authorized
representative of the Cummins Inc. Grantor
Trust dated September 10, 2007

By: s/ Sara Siegall
One of its attorneys

Lead Counsel

(Admitted Pro Hac Vice)

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CERTIFICATE OF SERVICE

I, Sara Siegall, an attorney, hereby certify that on April 13, 2012, I caused the foregoing to be electronically filed with the Clerk of the Court by using the CM/ECF electronic filing system, which will send a notice of electronic filing to counsel of record.

/s/ Sara Siegall